

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

_____)	Case No.:
ANDREA MILOSOVICI, f/k/a ANDREA)	
BALAN,)	
)	
Plaintiff,)	COMPLAINT AND
vs.)	DEMAND FOR JURY TRIAL
)	
FALONI & ASSOCIATES, LLC; CACH,)	
LLC,)	
)	
Defendant.)	
_____)	

Plaintiff, Andrea Milosovici (“Plaintiff”) alleges:

PRELIMINARY STATEMENT

1. This is an action for damages arising from Defendants’ violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 15 U.S.C. §1692k (d).

3. Venue is proper in this district under 28 U.S.C §1391(b).

PARTIES

4. Plaintiff is a natural person, who at all relevant times has resided in New Jersey.

5. Defendant Faloni & Associates, LLC (“FALONI”) is a business entity doing business in the State of New Jersey with its principal place of business located at 165 Passaic Ave, Fairfield, New Jersey 07004, and is a “debt collector” as the phrase is defined and applied under 15 U.S.C.

§1692(a) of the FDCPA in that they regularly attempt to collect on debts primarily incurred for personal, family or household purposes.

6. Defendant CACH, LLC (“CACH”) is a corporation doing business in the State of New Jersey, with its corporate address as 4340 South Monaco Street, Denver, Colorado 80237, and is a “debt collector” as the phrase is defined and applied under 15 U.S.C. §1692(a) of the FDCPA in that CACH’s principal purpose is the regular collection of debts. To this end, CACH sends collection communications to consumers and files lawsuits directly against consumers.

FACTUAL STATEMENT

7. Plaintiff repeats and re-alleges the allegations contained in the above paragraphs and incorporates them as if set forth specifically herein.

8. CACH, LLC, (“CACH”) is a debt buyer. It is directly engaged in purchasing debts in amounts less than \$50,000 and attempting to collect upon those debts against consumers. As such, it is a “consumer lender” as defined in N.J.S.A § 17:11C *et seq.*

9. On a date better known by Defendants, Plaintiff incurred an alleged debt from purchase of goods used for personal, family, and household purposes, using a personal credit card.

10. Also on a date better known by Defendants, CACH began collecting on Plaintiff’s alleged debt.

11. To this end, CACH hired FALONI to send collection letters in an attempt to collect on the debt from Plaintiff.

12. On or around September 2017, FALONI sent a collection letter to Plaintiff in an attempt to collect on the debt on behalf of CACH.

13. FALONI's collection letter falsely represented to Plaintiff that its client, CACH, was in fact legally allowed to collect on said debt, and misrepresented the status of the debt as collectible by CACH. That is not the case.

14. In New Jersey, before a "consumer lender" may collect a debt, they must be licensed to do so under the New Jersey Consumer Finance Licensing Act ("NJCFILA").

15. CACH had not obtained a consumer lender license at the time it had FALONI attempt to collect the debt on its behalf from Plaintiff.

16. By representing to FALONI, and thereby to Plaintiff that it was allowed to collect on the debt, when in fact CACH was prohibited from doing so by law, CACH has violated the FDCPA.

17. Furthermore, in its attempts to collect on the debt, CACH voluntarily reported the debt to the credit reporting agencies, which is also an illegal collection attempt.

18. By presenting to the credit reporting agencies that CACH was allowed to collect on Plaintiff's debt, when in fact CACH was prohibited from doing so by law, CACH has violated the FDCPA.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692 et seq
AS TO FALONI & ASSOCIATES, LLC

19. Plaintiff repeats, realleges, and reincorporates the allegations contained in the paragraphs above and incorporates them as if set forth specifically herein.

20. Defendant FALONI's collection attempts are false, deceptive and misleading, and violate the below provisions of the FDCPA.

21. Section 1692e provides:

§ 1692e. False or misleading representations

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .

(2) The false representation of--

(A) the character, amount, or legal status of any debt;

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

22. Section 1692f provides:

§ 1692f. Unfair Practices

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.

WHEREFORE, PLAINTIFF PRAYS that this court grant judgment against Faloni & Associates LLC for statutory and actual damages, along with costs, interest, and attorney's fees.

COUNT II
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692 et seq
AS TO CACH, LLC

23. Plaintiff repeats, realleges, and reincorporates the allegations contained in the paragraphs above and incorporates them as if set forth specifically herein.

24. Defendant CACH's collection attempts are false, deceptive and misleading, and violate the below provisions of the FDCPA.

25. Section 1692e provides:

§ 1692e. False or misleading representations

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .

(2) The false representation of--

(A) the character, amount, or legal status of any debt;

(8) Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed.

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

26. Section 1692f provides:

§ 1692f. Unfair Practices

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.

WHEREFORE, PLAINTIFF PRAYS that this court grant judgment against CACH, LLC for statutory and actual damages, along with costs, interest, and attorney's fees.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Respectfully Submitted,

/s/ Daniel Zemel, Esq.
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Clifton, New Jersey